

**UNAPPROVED**  
**MINUTES OF THE SPECIAL CITY COUNCIL MEETING**  
**TUESDAY- -JULY 12, 2011- -7:00 P.M.**

Mayor Gilmore convened the meeting at 7:03 p.m. Councilmember Tam led the Pledge of Allegiance.

ROLL CALL – Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

**ORAL COMMUNICATIONS, NON-AGENDA**

(11-372) Corinne Lambden, Alameda Citizens Task Force, discussed campaign contributions to Councilmembers from the Firefighters Union.

(11-373) Joe Van Winkle, Alameda, discussed the Alameda Junior Golf proposal to operate the Mif Albright Course.

(11-374) Gwen Austin, El Realto Home Owners Association, stated a stop sign is needed at the intersection of Chestnut Street and Central Avenue; submitted a letter and a petition.

Councilmember deHaan stated the City has a traffic advisory group to address said matters, to which the City Manager could refer the matter.

(11-375) Mike Swartz, El Realto Home Owners Association, discussed accidents at the intersection of Chestnut Street and Central Avenue.

(11-376) Gretchen Lipow, Alameda, discussed campaign contributions from the Firefighters Union.

(11-377) Adam Gillitt, Alameda, submitted a document and discussed campaign contributions from the Firefighters Union; questioned why the City Manager rode on a fire truck at the 4<sup>th</sup> of July Parade.

Following the Public Comment, Vice Mayor Bonta requested staff communicate with Council on the stop sign request follow up; stated that he would like to follow the matter.

Councilmember Johnson stated Council discussed an overall management plan for stop signs, which Public Works is completing; requested the status also be check.

The City Manager stated staff would check on the issue and bring it back in September; with respect to the specific stop sign request, staff would inform Council via e-mail; commented on riding on the 1920 fire truck.

## AGENDA ITEM

(11-378) Discuss Harbor Bay Isle Associate's Proposal for Land Exchange and Funding for the Chuck Corica Golf Complex Course Improvements and New Sports Fields and Direct Staff to Negotiate with Harbor Bay and KemperSports Management.

There was a discussion of Councilmember deHaan's request for Councilmembers to disclose any relevant campaign contributions and recuse themselves.

The City Attorney stated that she would provide a memo to Council on the matter.

The Assistant City Manager and City Manager gave a brief presentation.

Tim Hoppen, Harbor Bay Isle Association, and Gary Linn, Knott & Linn, gave a brief overview of the proposal.

In response to Mayor Gilmore's request to address the golfing community's concern that reconfiguration would result in less than 2 championship golf courses, Mr. Linn stated the length with the shorter par 70s offers great variety, several par 5s, and dramatically enhances the quality of the features.

Councilmember Johnson stated play on the north course is heavier than the South Course for many reasons; inquired whether the proposed design changes would help equalize the play between the courses.

Mr. Linn responded the South Course is not up to the quality standard of other Bay Area courses; stated conditions are a factor in use patterns; there is an opportunity to greatly enhance the quality [of the South Course].

Councilmember deHaan provided a copy of the current configuration; inquired about the current and proposed acreage of the South Course, to which Mr. Linn responded that he does not have the information, but could provide the information on the proposed acreage.

In response to Councilmember deHaan's inquiry regarding the acreage of the Mif, Mr. Linn stated the new Mif would be 19 ½ acres and the old Mif is about 14 ½ acres.

Councilmember deHaan inquired whether the new Mif would be moved to the back nine holes of the current South Course.

Mr. Linn responded the new Mif would be in a portion of the front nine and part of the back nine; a little bit of both nines would be impacted.

Councilmember deHaan stated Mr. Linn indicated the Mif would be opened up; inquired whether the new South Course would be opened up, to which Mr. Linn responded the

new South Course would be shorter.

In response to Councilmember deHaan's inquiry whether the South Course would be tighter, Mr. Linn stated not necessarily.

Councilmember deHaan inquired whether a full [South] Course would be consolidated with the Mif, to which Mr. Linn responded in the affirmative.

In response to Councilmember deHaan's inquiry about probably close to 30% of the acreage is being taken away, Mr. Linn stated the [South Course] end product is a course equal to the North Course, which is more popular.

Councilmember deHaan stated the North Course is wide open with many amenities and a different configuration; that he is concerned about acres being taken from the South Course.

Mr. Linn stated the course would be consolidated, but is within design standards.

Councilmember Tam inquired whether the putting green and chipping area next to the new Norma Arnerich Teaching Center which was included in the Wadsworth Architectural Plan would be part of the [Harbor Bay] proposal.

Mr. Hoppen responded the idea would be studied to see if the [putting and chipping] area can be incorporated into the west or north side of the Norma Arnerich Academy; stated the Mif property is roughly 14 acres; the deal calls for a swap of 12.2 acres; there is excess property; more information is needed about the practice area; if it does not work, the [putting and chipping] area could be incorporated in 19 acre redesigned Mif, which would shorten the course a little; there is also more space in the Maitland Road and Harbor Bay Parkway area.

Councilmember deHaan noted said area is 3 acres at best.

Vice Mayor Bonta inquired whether golf has an industry standard that all courses with more acreage are better than those with lesser acreage, to which Mr. Linn responded great golf courses are usually on great pieces of real estate; great settings make for great golf.

In response to Vice Mayor Bonta's inquiry whether design matters for the golfer's experience, Mr. Linn responded absolutely.

Vice Mayor Bonta inquired whether the newly designed South Course would provide for a better golf experience than the current course.

Mr. Linn responded in the affirmative; stated there is an opportunity to take what is not high quality due to wear and tear and create different strategies and build new golf holes that would do so.

Vice Mayor Bonta requested specifics of why the design would be better.

Mr. Linn stated the course would not feel as wide open; character and quality would be added to make play an interesting experience.

Councilmember Johnson inquired about the difference in play on the South Course and North Course.

John Vest, KemperSports On-Site Manager, responded the South Course is down; KemperSports has been running promotions, which increased play; most tournaments want to play the North Course.

In response to Councilmember Johnson's inquiry about the price of the two courses, Mr. Vest responded the price is the same.

Councilmember Johnson requested the numbers of rounds for each course, to which Mr. Vest responded currently through June, the North Course rounds are 19,180; the Clark [South] Course is 18,106.

In response to Councilmember Johnson's request for the same information for last fiscal year, Mr. Vest stated for the South Course there were 40,280 rounds for FY 2009-10 and 38,376 rounds for FY 2010-11; for the North Course for FY 2009-10, there were 55,175 rounds and 47,683 rounds for FY 2010-11.

Councilmember deHaan inquired whether Mr. Linn's firm designs driving ranges, to which Mr. Linn responded in the affirmative.

Councilmember deHaan inquired how close are driving ranges to residential; to which Mr. Linn responded ranges are unique in that fencing usually deals with distance issues; stated higher fences are built to deal with distance.

Councilmember deHaan inquired how high the fence would have to be, to which Mr. Linn responded the fence at the Metropolitan is more standard, with heights up to 120 to 150 feet.

Councilmember deHaan inquired about lighting for the driving range, to which Mr. Linn responded the matter depends on the operator.

In response to Councilmember deHaan's inquiry about the impacts of lights on homes, Mr. Linn stated lights can be an issue with residences so designers work to steer lights away from residences.

Councilmember deHaan inquired whether there would be issues with adjacent residential, to which Mr. Linn responded the range is currently lit; for the new homes, the use would be existing and known.

Jane Sullwold, Golf Commission Chair, gave a brief presentation.

Mayor Gilmore inquired whether the physical design of the proposal would fit the needs of the golfing community, to which Ms. Sullwold responded at the Golf Commission meeting, there was not a consensus and people had a lot of questions; personally, she would not object to a slightly shorter Clark [South] Course; the trend in the golf industry these days is to build longer courses because the equipment has improved and people are hitting the ball farther; that she is concerned about a practice facility not being incorporated like the Wadsworth plan, which she understands is being reviewed; that she did not hear substantial objections to making the Clark [South] Course shorter.

In response to Vice Mayor Bonta's inquiry about the redesign of the Mif, Ms. Sullwold stated the proposed course sounds better; the current Mif was designed by the Golf Commission and is not great; that she is relying on experts to address safety concerns; further stated that she has a question about the process for the approximately 116 houses on the current Mif site.

Mayor Gilmore stated the regular planning process would be followed.

Ms. Sullwold stated the biggest complaint that she heard was about the traffic impact of building the houses.

The City Manager stated the Council would be authorizing staff to negotiate an MOU, which would permit Harbor Bay to submit an application to the Planning Board; the application would go through the normal planning process including California Environmental Quality Act review; traffic studies would need to be updated; the land swap would not take place until after the process is complete, including any appeals; tonight, staff is requesting direction from Council, which is a critical first step on a stalled process that has been spinning for years; there are many more steps, which all include public input, that have to be completed prior to the land swap.

Ms. Sullwold stated money in the Enterprise Fund has been burned through; at the current rate, funds might not be left to sustain operations through the end of the long planning process.

The City Manager stated planning staff has already reached out to the environmental consultant to ask for an expedited study; staff intends to move very quickly precisely because there is not a lot of time from the purely financial perspective.

Ben Blake, KemperSports, gave a brief presentation.

Vice Mayor Bonta inquired whether the project budget includes irrigation fixes on the South Course back nine, to which Mr. Blake responded in the affirmative; stated there is \$1 million for the North Course and \$1 million for the South Course and the Mif.

Vice Mayor Bonta inquired whether the amount for the South Course includes the back nine.

Mr. Blake responded in the affirmative; stated the South Course is the unknown; the irrigation pipes have asbestos, which has to be addressed.

Councilmember Johnson stated it sounds like there was confusion about how much money would be invested in the project at the Golf Commission meeting; inquired whether the amount given at the meeting was \$9 million or \$3.5 million.

Mr. Hoppen stated that Harbor Bay addressed the proposal and he shared the new Mif estimates ranged from \$950,000 to \$1.2 million; the amount for reconfiguration of the South Course was from \$1.9 to \$2.5; [adding the amounts] is how the \$3.5 million was reached; the Kemper plan, phasing and budgets are above said amount.

Councilmember Johnson stated everyone should understand the total contribution to the golf course would be \$9 million.

Mr. Blake stated KemperSports has completed a project budget which was close to \$3.5 million; Mr. Linn obtained a proposal from Wadsworth Construction and the budget was nearly identical to the one prepared by KemperSports on the reconfiguration of the Mif.

The City Manager stated if the two Harbor Bay and Kemper proposals are put together, \$3.5 million from Harbor Bay would go towards constructing the new Mif, moving the holes and performing critical, urgent work on the North Course; the rest of the \$9 million would come on a \$500,000 per year basis from Kemper; the total commitment comes close to matching the National Golf Foundation's \$9 million suggestion.

Councilmember Johnson inquired whether the City is counting on the money from the Wadsworth Foundation for the Mif, to which Mr. Blake responded the amount is contemplated in the budget; Wadsworth has not committed to it; Kemper is committed to providing Wadsworth's three key points revolving around access, affordability and programming for juniors.

Councilmember Johnson noted Wadsworth would not give the \$250,000 in one lump sum.

Councilmember deHaan stated the FY 2012-13 budget includes a north drainage project of close to \$2.5 million and driving range of \$600,000, which is close to the \$3.5 million; inquired how \$1 million would be put together for the Mif and whether \$1 million would result in a full, operational Mif.

Mr. Blake responded \$1 million is for a full, operational Mif.

Councilmember deHaan inquired whether the extra \$100,000 could be used to renovate the old Mif if the Wadsworth funding came in over the next 3 years.

Mr. Blake responded that he does not have said numbers; Kemper did not look into said project.

Councilmember deHaan inquired whether new tees, new fairways and 6 new greens would be done for \$1 million, to which Mr. Blake responded in the affirmative and stated two different groups came up with the same number.

In response to Councilmember deHaan's inquiry about how long it would take to get the South Course functioning, Mr. Blake responded the plan is to always have 27 holes open at all times; Kemper believes it can get each of the 9 holes done in a 12 month period; the driving range and Mif will be done at the same time because having the whole area under construction at the same time is more efficient.

Councilmember deHaan inquired whether 2016 is when the South Course would be done, to which Mr. Blake responded there has been a request that the project not start until after the commuters [tournament]; although each will take 12 months, there is overlap in future years.

Councilmember deHaan inquired whether the Mif and South Course would not be complete until 2016.

Mr. Blake responded in the negative; stated completing contracts would take one year; the new Mif as well as the reconfiguration of nine holes of the South Course would be finished going into 2014; the plan would be to start construction right after the commuters [tournament] in 2013 and open a new Mif and nine on the South Course in April 2014.

Councilmember deHaan inquired whether Kemper has estimated the revenue loss that would occur from the closures.

Mr. Blake responded the projections have been completed and can be shared; there will also be a reduction in expense because holes will be out of play; Kemper believes the 27 hole option will be manageable from a profit standpoint.

The City Manager stated said issues would be dealt with in the negotiations.

Councilmember Tam stated Kemper will put \$500,000 into the facility over the 9 year period on top of the \$3.5 million from Harbor Bay; Kemper will recapture costs over time; inquired whether less of the Harbor Bay contribution could be used up front.

Mr. Blake stated his understanding is the amount of money going in up front is to get the major improvements done quickly.

The City Manager stated the concept is the City would be paid \$5 million for the land swap once entitlements are in place; staff thought the money should be used to pay for

the new Mif and other really pressing issues at the golf course, leaving \$1.5 million; looking at a use for the land swapped and after discussions with the sporting community, staff is suggesting committing to two fields at said location.

Councilmember Tam stated the City can use the money however it chooses; spending 70% in the first year all on the golf course does not leave flexibility to address other pressing recreational needs in the City, such as the pool and Thomson fields.

The City Manager stated if the Council wants to allocate the \$5 million in a different way, he would not suggest taking the \$3.5 million from golf because Council would be defeating its own policy of maintaining affordable junior golf; however, if Council does not want to use the money to construct fields on the swapped land, it could be put towards another issue.

Councilmember deHaan inquired when the revenue would be generated, to which the City Manager responded the \$5 million is encumbered on the entitlement and would not come to the City until the process is complete; the MOU provides Harbor Bay the legal standing to pursue the entitlements and go through the regular process; if Harbor Bay were not successful in receiving the entitlements after a certain amount of time, the deal would go away; at the time Harbor Bay transfers to a homebuilder the City transfers to Harbor Bay in the same escrow; the City only gives up the Mif when Harbor Bay pays the City \$5 million.

Councilmember deHaan inquired whether the City has made a determination that soccer fields are needed in the Harbor Bay area.

Mayor Gilmore stated Council would discuss what to do with the land in September; the matter tonight is about the framework.

Councilmember deHaan stated that he is concerned about the City swapping for land it does not need; there is plenty of land at Alameda Point.

Speakers: Barbara Price, North Loop Business Group; David Bratzler, Alameda; Ron Matthews, Alameda Little League; Jim Strehlow, Alameda; Griff Neal, Alameda Youth Sports Coalition; Joe Van Winkle, Alameda; Honora Murphy, Alameda; Barbara Kahn, Alameda; Beverly Blatt, Alameda; Robert Wood, Alameda (submittal); Ron Salsig, Alameda; Jon Spangler, Alameda; Mark Ames, Alameda Soccer Club; Bill Schmitz, Golf Commission; Tony Corica, Alameda; Karen Bey, Alameda; and Bert Morgan, Alameda.

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During Mr. Staylow's comments, Councilmember Tam left the dais at 8:56 p.m. and returned at 8:58 p.m.

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Mayor Gilmore requested the City Manager to comment on the appraisals



The City Manager stated both appraisals were commissioned by the City; there was no consultation with any of the other parties about selection of the appraiser; the appraiser was asked to review what the Mif value would be as fully entitled residential and the other land as entitled for residential or commercial, since residential had not been successful.

The Recreation and Parks Director reviewed the appraisal numbers.

The City Manager stated the differential between the two properties is \$1,321,000 and the City is being offered for \$5 million; the additional value for the City is profit sharing of nearly \$3.7 million.

Vice Mayor Bonta the fundamentals of the proposal are very strong and provide many benefits to the community, such as: continuing 36 holes rather than 27, as desired by the golfing community; honoring Council's commitment to continue to provide junior golf and doing so on a superior course; the proposal also includes numerous upgrades, renovations and improved peer reviewed designs and a capital reinvestment plan; the swap of an equal size of land has an over \$3.5 million differential in the City's favor; the creative solutions allow the public to enjoy benefits; the land would provide the opportunity for an all weather facility for football, soccer and lacrosse; the proposal provides a long-term plan for a sustainable golf course; the MOU is the first proposal; that he has faith in staff to protect the City's interest.

Councilmember Johnson concurred with Vice Mayor Bonta; stated for years, the City has been searching for a sustainable plan to save the golf course; there has been a significant downturn in golf; there are not a lot of golf courses where \$9 million is being invested; the proposal is an opportunity for making significant improvements to both golf courses and creating a nine hole; Council would be directing staff to negotiate.

Councilmember deHaan stated the vast majority of the holes intersect; the current South Course only has four holes in the area and the proposal has five and a half holes; that he is concerned about safety; Kemper previously came back with a proposal for renovating 36 holes in 10 years; the Mif was being taken care of with a funding stream in place; reviewed various development plans and sports field issues; stated the City is prostituting a good [golf] complex that it should have made successful; stated that he would like to have discussions with Kemper about its other 36 hole proposal.

Councilmember Tam stated the Council wants the golf course to stay open and sustainable; the City is going through hard times and has to be creative in dealing with a deteriorating facility with a lot of deferred maintenance; the concept being proposed is worth exploring; the City should look at moving forward with negotiations; that she would like certain items addressed during negotiations: the timing of the City getting the \$5 million; the prospective homebuilder should be included; funds should be available simultaneously upon approval of entitlements; that she would like to see plans for the sports fields, the South Course and Mif be completed as soon as possible; that she would like more information on Kemper's contribution based on information Kemper

provided on January 25<sup>th</sup>, in terms of cost recovery and rate of returns.

Mayor Gilmore stated the only reason the proposal is being considered is because the City would be getting cash for renovating the golf course, constructing fields or doing something else; the cash is driving the discussion; that she is concerned and does not have confidence about the money; that she understands there is no transfer until the City gets the money; working out a deal will take a certain amount of time; then, it will take another period of time to go through the entitlement process; questioned how the City would have money to do [golf] operations in the meantime; cash is contingent on getting a homebuilder to buy the property; she wants assurances that the homebuilder can pay, such as a balance sheet; the escrow should have milestones for releasing the funds; that she does not want to end up in a dispute with Harbor Bay or the potential homebuilder; Section 4.2 of the MOU proposed by Harbor Bay gives Harbor Bay entirely too much discretion; the proposed MOU attempts to bind the City while Harbor Bay gets rights to walk away; there is no unconditional obligation to pay the City; the City gets paid if Harbor Bay sells the land to a homebuilder and if Harbor Bay is happy with the entitlements; for her, everything is conditional on the amount of money the City gets; questioned what rights the City gets under the MOU, which is more like a letter of intent; stated the details are not going to be hammered out until the settlement purchase agreement referenced [in the MOU].

Councilmember Johnson stated Council has given consistent direction to maintain affordable golf for juniors; a monthly pass should be kept for residents; there should be a greater differential between residents and non-residents [fees], which cannot be done under current conditions; further stated if the proposal works out and the golf course is in better condition, more people will be willing to pay non-resident fees; that she hopes play is increased overall and leveled out between the North Course and South Course.

Mayor Gilmore stated the City should be very clear about what it is getting out of the deal; someone brought up profit sharing as part of the deal, which could be a very attractive mechanism for replacing the fields down the road and building a fund for golf course future capital improvements.

Councilmember deHaan stated Kemper previously included profit sharing.

Mayor Gilmore clarified that she meant profit sharing with the homebuilder.

Councilmember deHaan stated a decision tonight is telling the community the Council believes the Mif could be developed into residential; the Planning Board is going to think the Council is willing to have the area become residential; that he does not want to give said impression; the normal planning process is to come to Council after the Planning Board.

Mayor Gilmore questioned what the Plan B would be if the entitlements are not forthcoming.

Vice Mayor Bonta stated the regulatory process would be followed; noted no other artificial fields would be coming on line anytime soon; artificial fields are the top priority of the youth sports community.

Mayor Gilmore inquired what staff is looking for tonight.

The City Manager responded the conversation has been very helpful and has provided open, public direction about what staff should incorporate [in negotiations]; staff is looking for a motion directing staff to pursue the basic concept of sale of the Mif Albright Course for sufficient revenue to generate the new Mif Albright Course as well as enough funds to begin the process of addressing capital for other youth sports needs; staff would come back in September with a proposal about how to handle North Loop Road; staff will negotiate a MOU; staff would like direction to pursue negotiations and the matter will come back for another public hearing and a vote on the agreed upon MOU; a separate item will come back about the on going relationship with Kemper; and the third item would be how to handle the youth sports element.

Mayor Gilmore inquired whether Council is being asked to make a decision about the land swap tonight.

The City Manager responded in the negative; stated a decision cannot be made on the swap tonight; staff is looking for direction to go negotiate.

Mayor Gilmore stated that she is not sure the MOU will give her the level of detail that will make her comfortable.

The City Manager stated more detail will be in the MOU [when it returns]; Harbor Bay cannot go to the Planning Board without the MOU; the MOU will not commit the City to anything other than a good faith attempt to move forward with the process; a final purchase agreement will have to be reached after going through the process.

Mayor Gilmore inquired whether the golf course would continue to operate as is during the process, to which the City Manager responded in the affirmative; stated the land trade and the \$5 million is at least a year off.

Mayor Gilmore stated that she is concerned about how golf operations will be funded during said time; inquired whether there could be a funding mechanism while the money is escrow.

The City Manager stated the City would have discussions with Kemper between now and the property sale about how to proceed.

Councilmember Tam stated Kemper is relying on the Harbor Bay piece; inquired how the City can get the financial guarantees it needs.

The City Manager responded if the Harbor Bay proposal does not go through, there

would not be \$3.5 million to move the Mif, reconfigure the course and fix irrigation; how long improvements would take in said event would depend on the deal with Kemper; the needs of the golf course exceed the funds from the Harbor Bay deal; stability has to be created for the next 20 years to prevent the matter [golf course operations] from returning in several years; changes have to be made in order to keep the excellent 45 hole facility;

Councilmember deHaan stated 60 days ago there was a proposal for Kemper and Junior Golf to go forward; the only thing the City gets out of the proposal is \$1.5 million for an artificial turf field; the money might not be there; if the proposal does not go forward within a year, the Wadsworth funds will be gone.

The City Manager noted \$250,000 [from Wadsworth] would not solve the [golf capital needs] problem.

Councilmember deHaan inquired whether Ron Cowan [Harbor Bay] has to sell assets to get the \$5 million, to which the City Manager responded that his focus is not on Ron Cowan's background.

Vice Mayor Bonta moved approval of providing direction to staff to move in the direction outlined by the City Manager.

In response to Mayor Gilmore's request for clarification, Vice Mayor Bonta stated the direction is to negotiate and come back in September with a proposed MOU with Harbor Bay with more detailed concepts, a proposed lease agreement with KemperSports and a concept to pursue sports fields on North Loop Road; the MOU, the sports field concept and lease agreement should have the key concepts in the staff report.

Councilmember Johnson seconded the motion.

Under discussion, Councilmember Johnson inquired when the details would address ensuring affordable junior golf.

The City Manager responded that he would ask the Council to give staff policy direction right now that the negotiations with both parties should ensure the preservation of affordable and assessable golf for juniors and senior citizens.

Vice Mayor Bonta accepted the suggestion as an amendment to the motion.

Councilmember Johnson stated that she would like to add residents to the list.

Vice Mayor Bonta agree to accept said amendment, too.

Councilmember Johnson seconded the amended motion.

Mayor Gilmore stated three things are coming back in September; inquired whether

there would be a Kemper agreement that would be independent of the other pieces, to which the City Manager responded in the affirmative; stated the items are related but not bound.

Vice Mayor Bonta inquired whether the City would continue to have an operational golf course with 45 holes while the [Harbor Bay] project goes through the regulatory process, to which the City Manager responded in the affirmative.

Councilmember deHaan inquired how many votes are required under the Charter since the proposal involves a land transfer.

The City Attorney responded a written memorandum on the matter would be provided.

Councilmember deHaan inquired whether the clarification would be provided prior to September, to which the City Attorney responded in the affirmative.

The City Manager noted the direction tonight only requires three votes; it may be that the land transfer may require four votes depending on the reading of the Charter.

Mayor Gilmore inquired whether the vote tonight does not bind the City to anything other than directing staff to go forward and negotiate, to which the City Manager responded in the affirmative.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Bonta, Johnson, Tam and Mayor Gilmore - 4. Noes: Councilmember deHaan - 1.

#### ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 10:29 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

**UNAPPROVED**  
**MINUTES OF THE SPECIAL CITY COUNCIL MEETING**  
**TUESDAY- -JULY 19, 2011- -6:00 P.M.**

Mayor Gilmore convened the meeting at 6:09 p.m.

Roll Call – Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

The meeting was adjourned to Closed Session to consider:

(11-379) Public Employment – (54957); Title: City Attorney

(11-380) Conference with Labor Negotiators (54957.6); Agency negotiators: Human Resources Director; Employee organizations: All bargaining units.

(11-381) Conference with Legal Counsel – Existing Litigation; Case Name: Petition for Local Tax Reallocation of the City of Livermore; Account Number: 099-600375, California State Board of Equalization.

Following the Closed Session, the meeting was reconvened and Mayor Gilmore announced that regarding Public Employment, direction was provided to the Human Resources Director regarding City Attorney selection process; regarding Labor, the Human Resources Director brief the City council on negotiations with Alameda Police Officers Association, Alameda Police Management Association, and Alameda Fire Managers Association; regarding Existing Litigation, the Acting City Attorney brief the Council and was given direction.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 6:57 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

**UNAPPROVED**  
**MINUTES OF THE REGULAR CITY COUNCIL MEETING**  
**TUESDAY- -JULY 19, 2011- -7:00 P.M.**

Mayor Gilmore convened the meeting at 7:05 p.m. Councilmember Johnson led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(11-382) Presentation by the Park Street Business Association on the 27<sup>th</sup> Annual Art and Wine Faire.

Robb Ratto, Park Street Business Association (PSBA), presented glasses to the Council.

ORAL COMMUNICATIONS, NON-AGENDA

(11-383) Dennis Carol, Alameda, expressed his concern with the Crown Memorial Beach incident and the political organization of the Fire Department.

(11-384) Jeannie D'Amato, Alameda; Leslie Gomez, Alameda; and former Councilmember Tony Daysog discussed District 31 undergrounding.

Mayor Gilmore requested the Assistant City Manager to follow up with the Alameda Municipal Power (AMP) General Manager regarding the undergrounding issue; stated another public meeting is in order.

The Assistant City Manager stated that she spoke to the AMP General Manager earlier this evening; a Public Utilities Board meeting was held last night; another meeting is scheduled for August 15<sup>th</sup>.

(11-385) Kathy Moehring, Alameda, stated Angela's Restaurant provided Christmas meals to the public last year; Angela's is having a fund raiser this Saturday; invited Council to the event.

(11-386) Jon Spangler, Alameda, stated a ribbon cutting and inauguration for the Estuary Crossing shuttle from Alameda to Oakland will be held on August 15<sup>th</sup>.

## CONSENT CALENDAR

Mayor Gilmore announced that the Plans and Specifications for Bids for Rehabilitation of Tennis Courts [paragraph no. 11-394], the Amendment to the Ambulance and Paramedic Provider Agreement [paragraph no. 11-395], the Resolution Approving a Revised Memorandum of Understanding with the Alameda Police Officers Association [paragraph no. 11-397], the Resolution Affirming Support for the 34<sup>th</sup> America's Cup [paragraph no. 11-399], and the Resolution Authorizing Open Market Contract with Yamaha Corporation [paragraph no. 11-400] were removed from the Consent Calendar for discussion.

Councilmember Tam moved approval of the remainder of the Consent Calendar.

Councilmember Johnson seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*11-387) Minutes of the Special City Council, Alameda Reuse and Redevelopment Authority and Community Improvement Commission Meeting held on June 28, 2011; and the Special Joint City Council, Community Improvement Commission and Housing Authority Board of Commissioners Meeting and Special and Regular City Council Meetings held on July 5, 2011. Approved.

(\*11-388) Ratified bills in the amount of \$2,302,430.39.

(\*11-389) Recommendation to Award Contract in the Amount of \$432,200, Including Contingencies, to Gallagher & Burk, Inc. for Parking Rehabilitation of the Main Street and Harbor Bay Ferry Terminals, No. P.W. 05-11-14. Accepted.

(\*11-390) Recommendation to Award Contract in the Amount of \$79,474, Including Contingencies, to Republic Intelligent Transportation Services to Remove / Replace LED Signals for Traffic and Pedestrian Signal Heads/Indicators in the City of Alameda, No. P.W. 04-11-08. Accepted.

(\*11-391) Recommendation to Award a Contract in the Amount of \$146,912, Including Contingencies, to Robert C. Terry, DBA Comfort Air Mechanical Systems, for the Annual Heating, Ventilating, and Air Conditioning Systems Maintenance in Various City Facilities, No. P.W. 06-20-28. Accepted.

(\*11-392) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Upgrade of the City of Alameda Sewer Pump Stations, Phase 3: Bay Farm Island Pump Station Rehabilitation, No. P.W. 12-10-35, and Standardize Equipment for Specific Major Components for All City of Alameda Sewer Pump Stations. Accepted.



(\*11-393) Recommendation to Authorize the Purchase of Holophane Streetlights for the Park Street Streetscape, Lincoln Avenue to Webb Avenue, and Central Avenue to San Jose Avenue, No. P.W. 10-09-30 Project from W.W. Grainger, Inc. in the Amount of \$350,000, Including Contingencies, and Authorize the City Manager to Execute All Necessary Documents. Accepted.

(11-394) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for Rehabilitation of Tennis Courts (Various Locations), No. P.W. 05-11-10.

The City Engineer gave a brief presentation.

Councilmember deHaan inquired what is the estimate for the project.

The City Engineer responded \$350,000 has been allocated; stated Leydecker Park would be resurfaced with a new floating surface; Lower Washington Park and Krusi Park would be repaired by placing wide fiber tape over the surface.

Vice Mayor Bonta inquired why Leydecker Park would receive different treatment and why Krusi Park improvements would be included if sufficient funds are available.

The City Engineer responded the Recreation and Parks Department selected Leydecker Park for the premium court installation; stated that Krusi Park needs less repair.

The Assistant City Manager stated the Recreation Commission and staff went through a prioritization process.

Councilmember Tam stated Measure WW bond criteria requires that an improvement lasts 25 years.

\* \* \*

Councilmember deHaan left the dais at 7:25 p.m. and returned at 7:26 p.m.

\* \* \*

Councilmember Johnson moved approval of the staff recommendation.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

(11-395) Recommendation to Authorize the City Manager to Execute an Amendment to the City of Alameda Ambulance and Paramedic Provider Agreement with Alameda County, and Receive an Update on Related Legislation.

Councilmember Tam inquired why Section 2.4 of the 1999 Agreement is not in the 2010 Agreement.

The Interim Fire Chief responded Section 2.4 dealt with non-emergency transports between nursing homes and hospitals; stated the language was put in the 1999

Agreement because the County offered the City the opportunity to help off set operating costs once the system was built out; that he does not know why the language has been left out of the 2010 Agreement; the former Acting Fire Chief was advised by the former Interim City Manager that the County did not have the authority to grant the City the Exclusive Operating Areas (EOA) for non-emergency transports; getting the EOA back into the 2010 Agreement would depend on negotiations with the County.

The Acting City Attorney stated the City would discuss adding the language back with the County; the County's Deputy Counsel has advised her that the language was not appropriate for the Agreement.

Vice Mayor Bonta inquired whether the City received anything of value in return when Section 2.4 was removed, to which the Interim Fire Chief responded nothing that he can find.

Councilmember Johnson inquired what would be the practical impact if all non-emergency transports were provided by the City.

The Interim Fire Chief responded the City would have the opportunity to review several options for providing inter-facility, non-emergency transport; stated the Fire Department could be used as part of the transport system; others could be hired to provide the service or a contract could be provided to an ambulance provider that is already in business for a portion of the fees.

Councilmember Johnson questioned whether having Alameda Hospital pay an ambulance fee to the City would be reasonable.

Councilmember deHaan stated when fee schedules were discussed about ten months ago, the former Acting Fire Chief did not feel that the Fire Department should transport patients from one hospital to another.

Councilmember Tam stated the December 7, 2010 minutes note that the former Acting Fire Chief discussed the importance of having the EOA in order to be a provider of emergency ambulance and advanced life support services; read what Section 2.4 stated; stated an EOA is something the County can clearly do; the City has not requested an EOA in the past; the City does not have the EOA option because the section is not in the 2010 Agreement.

The Assistant City Manager stated the December 7<sup>th</sup> staff report discussed advanced life support and emergency services; Section 2.4 addressed non-emergency ambulance transport; people could be picked up from a convalescent hospital and delivered to a doctor's appointment or rehabilitation facility using City personnel or subcontracting out to a private entity and taking a cut as the exclusive provider.

Councilmember Johnson stated the County subcontracts the services, which is a revenue generator.

The Interim Fire Chief stated a former EMS Director developed a report detailing revenues; that he requested the report and would provide it to Council.

Councilmember Johnson inquired whether the Alameda Hospital ambulance is licensed, to which the Interim Fire Chief responded that he does now know.

In response to Councilmember Johnson's inquiry, the Interim Fire Chief stated the County has the right to award contracts and EOA's throughout the County for non-emergency ambulance transports.

Mayor Gilmore stated Council is very interested in adding Section 2.4 language to the Agreement.

Councilmember Tam moved approval of the staff recommendation.

Councilmember Johnson seconded the motion, which carried by unanimous voice vote – 5.

(\*11-396) Reject the Sole Bid and Resolution No.14609, "Authorizing Open Market Negotiations of a Contract Pursuant to Section 3-15 of the Alameda City Charter for Park Street Streetscape, Lincoln Avenue to Webb Avenue, and Central Avenue to San Jose Avenue, No. P. W. 10-09-30, Contingent Upon Caltrans Approval of Cost Effectiveness/Public Interest Finding." Adopted.

(11-397) Resolution No. 14610, "Approving a Revised Memorandum of Understanding (MOU) Between the Alameda Police Officers Association and the City of Alameda for the Period Beginning January 3, 2010 and Ending June 29, 2013." Adopted.

The Human Resources Director gave a brief presentation.

Councilmember Johnson inquired whether the MOU is the same as the one approved for the Fire Fighters, to which the Human Resources Director responded in the affirmative.

Mayor Gilmore inquired whether staff had been in negotiations for eighteen months to two years, to which the Human Resources Director responded in the affirmative.

Councilmember Tam stated public safety already pays the entire [employee] PERS contribution; inquired whether public safety would be paying the City's portion.

The Human Resources Director responded public safety would be paying the 2% portion of the City's contribution; stated currently, public safety pays 9% towards pension; the revised MOU would result in public safety paying 11%.

Councilmember Tam inquired whether other cities have public safety pay the full

employee and part of the city contribution.

The Human Resources Director responded most public agencies public safety pay some portion of the employee's contribution; a 9% employee contribution is required by State law; however, employers can pay a portion of the employee contribution; many have and continue to do so; years ago, the City opted to have employees pay the 9% employee contribution; under the revised MOU, public safety would still pay the 9% and would pick up 2% of the City's contribution.

Mayor Gilmore stated the City would be breaking new ground in a good way.

In response to Councilmember deHaan's inquiry, the Human Resources Director stated the estimated \$459,000 savings [for future retiree healthcare] would not be immediate.

Councilmember deHaan inquired what would be the savings in the first year, to which the Human Resources Director responded \$3,600 in 2011 and \$20,200 for 2012.

Vice Mayor Bonta inquired whether the Fire MOU has similar savings, to which the Human Resources Director responded in the affirmative.

Vice Mayor Bonta inquired whether the combined savings would be approximately \$1 million per year, to which the Human Resources Director responded in the affirmative.

Vice Mayor Bonta inquired whether the City would be cutting its future public safety healthcare liability in half, to which the Human Resources Director responded almost half by elimination of the City paying spousal coverage.

Councilmember Johnson stated the proposed change would be a very significant structural change; Other Post Employment Benefits (OPEB) have been in place since the early 1990's; this is the first time a significant change would be made.

Mayor Gilmore inquired whether Police Officers have not received a raise in the last six years.

The Human Resources Director responded Police Officers would not receive a raise for six years [going back and] through the term of the MOU.

Councilmember deHaan stated savings would be gradual.

The Human Resources Director stated savings would be realized fairly soon because current public safety employees would be reducing the amount of the current entitled benefit.

Mayor Gilmore stated the negotiating process was not easy for either side; a lot of people think that the City has the power to impose its will on bargaining units, which is not true; once negotiations start, a contract is confidential; going forward, there will be a

thirty-day comment period before negotiations start; at a certain point, all proposals are put on the table; new proposals cannot be put on the table after a certain date.

The Human Resources Director stated both parties have to agree to put new proposals on the table past a certain date; the City Manager would schedule a meeting in September about the open process.

Councilmember deHaan inquired whether all MOU's would be reviewed in September, to which the Human Resources Director responded all MOU's coming up for negotiations.

Councilmember deHaan inquired whether the [Police] MOU would have binding arbitration, to which the Human Resources Director responded the MOU does not have binding interest arbitration.

Councilmember deHaan stated what is done for one union should be done for all.

Councilmember Johnson stated AC Transit has provision for imposing an agreement; AC Transit did so, which went to court; the court required AC Transit to settle at the bargaining table.

Councilmember deHaan discussed his concerns with the impacts on the General Fund budget.

Mayor Gilmore stated pushing for more advantageous terms would have taken a lot longer and long-term structural concessions might not have been realized.

Councilmember Johnson stated wages have not increased since June 2007 and would not be given for two more years; wage erosion has occurred over the last four years; approving the Fire MOU did not end the process; the process is on-going.

Councilmember Tam stated cooperation between the City and unions results in good faith negotiations, unlike what happened with AC Transit [unilaterally imposing an agreement].

Speakers: Red Wetherill, Alameda; and Jon Spangler, Alameda.

Councilmember Johnson moved approval of the staff recommendation.

Councilmember Tam seconded the motion.

Under discussion, Vice Mayor Bonta thanked the Police Officers Association for engaging in a good faith bargaining process, making a commitment to be part of the solution, and helping the City achieve near and long term savings; stated many cities provided wage increases to public safety units within the last six years and then had to roll wages back; public safety would be sustaining a six-year commitment to the City's

financial health by not taking any wage increases and decreasing overall compensation through additional pension contributions.

Councilmember deHaan stated that he strongly supports the Police Officers; sixty-four percent of the Fiscal Year 2012-2013 budget would be one time savings; future obligations have not been addressed.

Mayor Gilmore stated the OPEB liability has almost been cut in half; significant structural changes have been made to take care of future liabilities.

Councilmember Johnson requested that the Human Resources Director explain OPEB changes.

The Human Resources Director stated the OPEB liability would be reduced by approximately \$1 million through the Fire MOU and proposed Police MOU.

Councilmember Johnson stated there are two long-term issues: one is the additional 2% contribution towards the PERS benefit; the other is that the City would be reducing the future cost of OPEB; the \$70 million liability would be brought down and would not accumulate to the extent it has; instead of accumulating a liability for a retired employee and their spouse, the City would be accumulating a liability for the retiree only, which would be significant.

Councilmember deHaan stated the \$75 million liability increased to \$82 million in the last year; in September, everything should be put on the table to understand what needs to be done to weather the storm.

Mayor Gilmore stated Council has acknowledged that the economy will not get better in the next four or five years and that the City is heavily dependant on property tax revenues; Council has opted to discuss issues in September rather than January and has given direction to the City Manager to initiate talks with all bargaining units.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Bonta, Johnson, Tam and Mayor Gilmore – 4. Noes: Councilmember deHaan – 1.

(\*11-398) Resolution No.14611, "Approving a Revised Memorandum of Understanding Between the Alameda Police Managers Association and the City of Alameda for the Period Beginning February 28, 2010 and Ending June 29, 2013." Adopted.

(11-399) Resolution No. 14612, "Affirming the City's Support for the 34<sup>th</sup> America's Cup and the City's Participation in the Activities Surrounding These Events." Adopted.

The Business Retention and Attraction Development Manager gave a brief presentation.

Speakers: Leslie Cameron, Bay Ship & Yacht Company; Jack Boeger, AC 34 Committee; and Jim Oddie, AC 34 Committee.

Mayor Gilmore stated the City takes the lead and usually does the planning; the City has no expertise in the America's Cup or maritime industry and would be looking to the speakers for contacts and expertise.

Councilmember deHaan thanked the speakers for all the hard work and interest; stated now is the time to move forward.

Councilmember Johnson stated the old berths near the Hornet should be considered for use.

Councilmember deHaan stated the dredging should be pretty well completed by the time they would be needed.

Ms. Cameron stated clean up has started; expediting the clean up would help.

Councilmember Johnson stated the City should consider renting out berths, which would help pay to make the berths useable.

Mayor Gilmore suggested that the Acting Community Development Director work with the speakers to prioritize the areas that are more important.

The Acting Community Development Director stated that she would be happy to coordinate the effort and talk to the Navy.

Councilmember Johnson stated berthing space would be at a premium; the City should repair the berths as long as the numbers work out.

Mayor Gilmore stated that staff should start moving now in order to project the idea that Alameda is in the game.

Councilmember Tam stated that she was told that Alameda has approximately 1,200 berths; suggested working on marketing and reviewing other items that might require capital.

Councilmember deHaan stated some of the berths would be for visitors; teams do not like to be adjacent to competitors; vacant hanger space is available; the Restoration Advisory Board is addressing the [sea plane] lagoon, which could be a resource.

Vice Mayor Bonta thanked everyone for all of the time and commitment; stated opportunities are available to generate revenue for the City; third parties will want to have a clear statement regarding the City's intentions with respect to the American's Cup, which is provided by the proposed resolution that the America's Cup Committee can use while pursuing opportunities; adoption of the resolution is important to move

forward.

Vice Mayor Bonta moved adoption of the resolution.

Councilmember Johnson seconded the motion, which carried by unanimous voice vote – 5.

(11-400) Resolution No. 14613, "Authorizing the Open Market Contract Between the City of Alameda and Yamaha Corporation Pursuant to Section 3-15 of the Alameda City Charter to Lease 120 Golf Carts in the Amount Not to Exceed \$360,000." Adopted.

Dino Lazaro, Kemper Sports Golf Shop Manager, gave a brief presentation.

Councilmember deHaan stated golf carts are the number one concern for golfers; periodically, carts need to be leased on weekends when there is a lot of activity; commended staff for pursuing the matter.

Councilmember deHaan moved adoption of the resolution.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam echoed commendations, especially in negotiating to have Yamaha Corporation pick up the \$96,000 in balloon payments from the old lease.

On the call for the question, the motion carried by unanimous voice vote – 5.

(\*11-401) Ordinance No. 3033, "Amending Sections 2-1.1 and 2-1.5 of Article I (The City Council and Meetings of the City Council) of Chapter II (Administration) to Modify the Meeting Time and Deadline for Submission of Matters." Finally passed.

#### REGULAR AGENDA ITEMS

(11-402) Public Hearing to Consider Resolution No. 14614, "Approving Tentative Map 8060 and Density Bonus Application PLN10-0262." Adopted.

\* \* \*

Vice Mayor Bonta left the dais at 8:41 p.m. and returned at 8:43 p.m. and Councilmember Tam left the dais at 8:42 p.m. and returned at 8:44 p.m.

\* \* \*

The Planning Services Manager gave a Power Point presentation.

Mayor Gilmore inquired when the Bay Conservation Development Commission (BCDC) would become involved.



The Planning Services Manager responded very quickly, stated the many conditions of approval need to be met; the final map would come back to Council for approval and lots would be recorded once conditions are met; the two acres of open space include a certain amount of land on the northern side which is owned by the Army Corps of Engineers and would require BCDC approval; the proposed resolution requires completion of the park final design and Army Corps of Engineers and BCDC approval before the final map will be approved.

Mayor Gilmore inquired whether the property would be entitled once the final map is approved.

The Planning Services Manager responded the property would be entitled but building permits would not be granted until design review for the architectural and landscape is complete.

Mayor Gilmore stated staff and the community have gone through a lot of work; inquired what would happen if the property owners sell off the property, what type of assurances the City would have that the property would be built the way the City says it should be built, and whether the City would have any rights on how the property could be transferred and to whom; stated that she would not want the property to be transferred and have someone sit on it for five or ten years.

The Acting City Attorney responded Council approved a Settlement Agreement last October; a number of the exhibits are model documents to be used for the project; the property owner would be bound to adhere to Settlement Agreement requirements; assignment provisions would provide protection.

The Planning Services Manager stated 90 plus conditions are part of the map and entitlement which runs with the land; Settlement Agreement commitments and an Environmental Impact Report have been baked into the comprehensive list of conditions; any buyer would know what the expectations would be for the next steps.

Mayor Gilmore requested clarification on the timing.

The Planning Services Manager stated the economy is working against the City; having a Settlement Agreement is advantageous; commitments have been made to financially assist the project with revenue generated by the project, which has a clock; the sale of the land would start the clock; the City's commitment to help financially may expire at a certain point if the land sells and nothing happens; the site has significant blight; there are some significant concerns with building conditions; at a certain point, the City may need to proceed with some type of enforcement action.

The Acting Community Development Director stated the Settlement Agreement has a two-year timeframe for meeting a number of obligations.

Councilmember Tam inquired what would be the assessed value of the transfer tax, to

which the Planning Services Manager responded that he is not prepared to answer.

In response to Councilmember Tam's inquiry, the Planning Services Manager responded 21 to 28 of the 182 units would be in a single rental building; stated multi-family units would be affordable and market rate rentals; townhouses and single family homes would be on individual fee, simple lots; Elm Street and Blanding Avenue would be dedicated to the City; the park and open space would remain part of the project and would be built, owned, and maintained by the project; the entire two acres would have a public access easement.

The Acting Community Development Director stated that staff is in real property negotiations with the owner for an Owner Participation Agreement (OPA) to implement financial provisions of the Settlement Agreement; estimated revenues could be provided when staff comes back to Council for the OPA approval.

Mayor Gilmore inquired whether the streets would be dedicated to the City but maintained by the project, to which the Planning Services Manager responded in the affirmative.

Councilmember Johnson requested clarification on obligations that would need to be met in the first two years to trigger the City's financial obligation.

The Acting Community Development Director stated objectives would include tentative map consideration, the OPA, design approvals, and affordable housing agreements; a lot of the obligations would be transferred into the OPA and would have to be met to receive financial assistance.

Councilmember Johnson inquired whether the clock would start running when the property transfers, to which the Planning Services Manager responded in the affirmative; stated or when major improvements start.

Councilmember Johnson inquired what would be the incentive for construction to start.

The Planning Services Manager responded everyone wants to develop a project that could start as soon as possible; stated under the current agreement, less financial help would be available the longer the project sits.

Councilmember Johnson stated stronger incentives should be provided to ensure that the project moves forward.

The Acting Community Development Director stated an outside date could be provided in the OPA in which financial assistance would go away if performance measures have not been met.

Councilmember Johnson requested that staff explore different options; inquired whether remediating the blight has a timeline.

The Planning Services Manager responded not currently; stated the environmental cleanup has started on two-thirds of the property.

Councilmember Johnson stated a phasing schedule should be set for remediating the blight; inquired about the width of Elm Street.

The Planning Services Manager responded there are two lanes in either direction as well as a parking lane.

Councilmember Johnson stated the final design needs to clearly show that the public street leads to a public park, and the street does not look like a driveway; inquired about parking.

The Planning Services Manager responded internal streets would have 42 public parking spaces.

Councilmember Johnson inquired whether houses would have garages, to which the Planning Services Manager responded all but 30 of the 182 units would have a two-car garage.

Councilmember Johnson inquired how public parking would be ensured for park visitors; stated streets surrounding her house are jammed with overflow parking; that she is concerned the same thing would happen.

Mayor Gilmore stated having an elevator or master bedroom on the first floor would be a great alternative for disabled access.

The Planning Services Manager stated alternative floor plans have been integrated into the project design for disabled homebuyers.

In response to Councilmember Johnson's concern about street width, the Public Works Director provided street width information; stated the left side of the intersection has an 8 foot planting area which could be used to reach 28 feet; a condition would have to be added to the resolution.

Mayor Gilmore inquired what is normal street width, to which the Public Works Director responded 36 feet, which includes two parking lanes.

Councilmember Tam inquired whether having streets narrow at the beginning or end of a street would be advantageous to calm traffic.

The Public Works Director responded intersection bulb outs are done for pedestrian safety; middle of the block bulb outs calm traffic.

Phil Banta, Phil Banta & Associates representing Applicant, stated space would be

needed for signage announcing the park; bulb outs would hide trash bins; requested consideration of allowing said items.

In response to Councilmember deHaan's inquiry about the adjacent property road widening, Mr. Banta stated the adjacent property has an easement; widening the road could be done if the self-storage area was ever developed into residential; having two driveways right next to each other creates a pedestrian sidewalk situation that is not easy to resolve; bulb outs are used is to get the center aligned as closely as possible.

The Public Works Director suggested a condition be that the Applicant and City will work together to ensure that the entrance to Elm Street at Clement Avenue looks and appears like a public street and that trash enclosures will be re-examined.

In response to Councilmember deHaan's inquiry, the Planning Services Manager stated the Applicant anticipates 30 of the 182 units having one-car garages.

Councilmember deHaan stated that public parking will be a premium; inquired whether the City would have redevelopment money.

The Planning Services Manager responded a lot depends upon what happens at the State level; stated money would be generated by the project; a small portion would be refunded back to the development for eligible expenses.

The Acting Community Development Director stated the obligation was created with the October 2010 Settlement Agreement before the Governor's proposed budget cuts; the OPA would implement the obligation that the Community Improvement Commission (CIC) already committed to in October.

Councilmember deHaan inquired whether staff foresees any more density bonus projects.

The Planning Services Manager responded north of Park Street has a few sites that might be big enough to qualify; stated Alameda Point and the South Shore Post Office have been discussed.

Speakers: Robb Ratto, PSBA; Marilyn Ezzy Ashcraft, Planning Board; and Karen Bey, Alameda.

Vice Mayor Bonta stated the waterfront access, blight removal, transit-oriented design, and the universal design for buyers with disabilities are all exciting components of the project; inquired what would be the plan for the property owner to sell the property and move the project forward.

The Planning Services Manager responded the City's role is to facilitate redevelopment of a private piece of property, get a project approved, and provide some type of financial assistance incentive down the road; the City has no authority to screen or reject

homebuilders.

The Acting Community Development Director stated the Settlement Agreement has provisions regarding assignment or transfer of the rights; the Settlement Agreement states that transferring or assigning rights has to be done with a person or entity who is qualified to build the reduced density alternative; similar provisions would be in the OPA.

Councilmember Johnson stated that she would like to explore ways for putting in a phasing schedule; the City can say that the financial incentives are triggered by the approved map, not when the property is sold or major construction starts; staff should be given direction to ensure the street appears public, not like a private driveway, and to determine how to provide parking for the park; inquired whether a phasing schedule should be established for park improvements.

The Acting City Attorney responded the conditions of approval have a requirement for a phasing schedule at a certain point of time.

The Planning Services Manager stated the conditions of approval also establish specific phasing for the completion of open space and affordable housing.

The Acting City Attorney stated the property owners are already aware that the City has the ability to do some self help in terms of the hazards on the site if postponement occurs.

Councilmember Johnson moved adoption of the resolution with amendments to: 1) explore a phasing schedule, 2) provide financial incentives being triggered by approval of the [final] map, 3) ensure the street has the appearance of a public street, and 4) provide public parking for the park.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember deHaan inquired whether the existing facility would be deconstructed or demolished.

The Planning Services Manager responded current conditions require photo documentation of the demolition recycling requirement; there is no requirement for a particular deconstruction.

On the call for the question, the motion carried by unanimous voice vote – 5.

(11-403) Urgency Ordinance of the City Council of the City of Alameda, California, Determining It Will Comply with the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Community Improvement Commission of the City of Alameda

The Housing Department Development Manager and the Acting City Attorney gave a brief presentation.

Mayor Gilmore stated the State passed a budget based upon incredibly rosy income projections; that she is concerned the State will advise cities that payments will not go down but will stay the same or increase when rosy projections do not come true.

The Housing Department Development Manager stated the legislature establishes the formula determining how much cities pay; the formula can be changed in the future.

Speaker: Robb Ratto, PSBA.

Councilmember deHaan inquired what other cities are doing.

The Housing Department Development Manager responded 80% are opting into the program; stated cities that cannot afford to pay are opting out of the program.

Councilmember deHaan moved adoption of the Ordinance.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam stated the State previously took \$2 million and is now pitting cities against the counties and school districts for no apparent reason other than not being able to meet budgetary goals and obligations.

Vice Mayor Bonta inquired whether Council is being asked to make a one-year commitment tonight.

The Development Services Division Manager responded the commitment would be open-ended and would be an obligation for the City to pay the initial remittance and then annual remittances thereafter as long as the CIC exists.

In response to Vice Mayor Bonta's inquiry, the Housing Department Development Manager stated the agency would be dissolved if the payment is not made due to funds not being available.

Vice Mayor Bonta requested clarification on what the City would receive for \$5.2 million.

The Development Services Division Manager responded the City would be able to acquire and rehabilitate the Islander Hotel, move forward with Alameda Point redevelopment, the Boatworks project, and projects currently in the works could proceed.

On the call for the question, the motion carried by unanimous voice vote – 5.

Mayor Gilmore stated the check should be accompanied by a strongly worded letter outlining the City's displeasure and listing projects that could have been done within the community.

Councilmember Johnson stated a photocopy of the check should be put in a press release to the media.

#### CITY MANAGER COMMUNICATIONS

None.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(11-404) Mayor Gilmore stated a regional Joint Policy Committee (JPC) is working on strategies for addressing climate change resilience and economic vitality; the JPC is composed of the Association of Bay Area Governments, Bay Area Air Quality Management District, the Metropolitan Transportation Commission and BCDC; the JPC serves as the forum for coordinating policy initiatives among the four agency partners; the JPC's goals in relationship to climate change are reducing regional green house gas emissions and adapting to climate change.

(11-405) Mayor Gilmore thanked the community for participating in the Lawrence Berkeley National Laboratory (LBNL) event; stated that she is proud of the community; the community put its best foot forward and showed enthusiasm and willingness to embrace LBNL; thanked staff and community volunteers who made the event possible.

#### ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 10:18 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

This agenda was posted in accordance with the Brown Act.

**UNAPPROVED**  
MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
SATURDAY- -JULY 30, 2011- -8:15 A.M.

Mayor Gilmore convened the meeting at 8:24 a.m.

Roll Call – Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

[Note: Councilmember Johnson arrived at 8:25 a.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(11-406) Public Employment (54957); Title: City Attorney

Speakers: Corrine Lambden, Alameda; Nancy Hird, Alameda; Carol Gottshtein, Alameda.

\* \* \*

Mayor Gilmore called a recess at 11:42 a.m. and reconvened the meeting at 1:20 p.m.

\* \* \*

Following the Closed Session, the meeting reconvened and Mayor Gilmore announced that Council gave direction to the Human Resources Director regarding the City Attorney selection process.

Adjournment

There being no further business, Mayor Gilmore adjourned the Special Meeting at 5:06 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.